

**APPLICANT: West LB Realty, Inc.**  
**APPLICANT'S ATTORNEY: Peter S. Falvo, Jr., Esq.**  
**APPLICATION NO.: ZB 2011 – 13**  
**BLOCK 67, LOT 32**

**RESOLUTION OF THE  
ZONING BOARD OF ADJUSTMENT  
OF THE BOROUGH OF WEST LONG BRANCH**

**WHEREAS, West LB Realty, Inc., hereinafter referred to as the "Applicant", filed an application with the Zoning Board of Adjustment of the Borough of West Long Branch (hereinafter referred to as the "Board") seeking the following:**

**Use variance for the conversion of a portion of the existing non-conforming automobile gasoline service and auto repair facility into a permitted use for a convenience mart in the OP zone and the continuation of the automobile gasoline service station and auto repair facility.**

**WHEREAS, the application pertains to the premises designated as Block 67, Lot 32 on the Tax Map of the Borough of West Long Branch, which premises are commonly known as 207 Monmouth Road, West Long Branch, New Jersey (hereinafter referred to as the "Premises");**

**WHEREAS, all notice requirements were satisfied by the Applicant, and the Board had jurisdiction to hear, consider and determine the application at issue;**

**WHEREAS, the Board held a public hearing with regard to the referenced application on April 26, 2012; and**

**WHEREAS, prior to the commencement of the public hearing, it was necessary for the Board to rule on Completeness Item Waivers set forth in the letter of November 3, 2011 by T & M Associates (Board Engineer) as Exhibit "A" attached hereto and made a part hereof to which the Engineer had no objections to granting; and**

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**WHEREAS, based upon the Engineer's comments and the nature of the use proposed on an existing site that was not being enlarged, the Board voted to approve the granting of the Completeness Item Waivers, thus allowing the public hearing to proceed; and**

**WHEREAS, the Board, having given due consideration to the exhibits moved into evidence and the testimony presented at said hearing, does hereby make the following findings of fact:**

- 1. The Premises are located in the OP (Office/Professional) zone.**
- 2. The applicant submitted the following exhibits into evidence:**

- A-1: Preliminary and Final Site Plan prepared by Nelson Engineering Associates, dated 8/24/11 and revised through 3/29/12, consisting of 9 sheets;**
- A-2: Architectural Plans prepared by Watt Architects, dated 8/19/11 consisting of 4 sheets;**
- A-3: Sign photo exhibit prepared by Mark-O-Lite Sign Co, dated 4/13/11, consisting of 2 sheets;**
- A-4: Aerial photo exhibit of the location and the surrounding uses;**
- A-5: Large photographic survey depicting the existing conditions of the property;**
- A-6: An enlargement of sheet 4 of exhibit A-1 depicting the landscaping plan;**
- A-7: Photo Board with colored rendering and 3-D study model;**
- A-8: Additional Architectural drawings;**
- A-9: Traffic Impact Study prepared by McDonough Rea Associates, dated 4/4/12;**
- A-10: Traffic Safety Officer's review letter of 4/26/12.**

**3. David H. Boesch, LLA, of Nelson Engineering Associates, Inc., testified in support of the application. He provided testimony that the existing space will be allocated as 1,928 square feet for the convenience store, 500 square feet for office for the gasoline sales and 2,600 square feet for the auto service. He further explained that the north side gas pumps will be removed, there will be public restrooms, 4 service bays and evergreens will be planted on the south and west borders.**

**4. James Watt, AIA, provided testimony regarding the proposed design of the building. He indicated that the building would be stripped and "reskinned", a new roof structure would be added which would wrap the roof treatment around the building. He**

also provided testimony that the building's footprint will not be enlarged and new windows would be added to the east side to "dress up" the building.

5. Ted Cohen, owner of the site, provided testimony that the tanker trucks would be delivering fuel to the site during non-peak hours. The hours of operation of the facility have not been set for the convenience store, however, the present gas station hours are 6:00 A.M. to 11:00 P.M.

6. John Rea, P.E., a principle with McDonough Rea Associates, Inc., testified that he met with the Traffic Safety Officer, Sgt. Brian Kramer, and changes were made to the Site Plan to satisfy his requests. Mr. Rea further testified that there would be additional traffic generated by the convenience store and the site would have approximately 24 additional vehicles during AM peak hour and 24 additional vehicles during PM peak hour.

7. Christine Nazzaro Cofone, PP, a principle with Cofone Consulting Group, testified that she has visited the site several times. She offered testimony that the present zoning permits retail uses in this zone, however a D-1 variance is required because all three uses are not permitted in this zone. The non-conforming use is actually being made smaller and the conforming use is being made larger. She testified that the highly traveled roadway is suitable for the retail use. The renovations proposed; the on-site circulation pattern and the landscaping create an upgraded visual environment for the site. She indicated that the use will provide a service to nearby residents and promotes the general welfare of the area. As to the negative criteria, she offered testimony that the uses on the property will function compatibly and there will be no negative impact on the zone plan. Since the store is an approved use and the service station is not, the site will be in a better state than it is today and the improvements and positive impacts far outweigh any negatives. She further testified that there are no significant detriments to the public good.

8. The Board Chairman opened the public hearing to the public. No objectors or interested parties appeared with regard to this matter.

9. The Board finds that the addition of a convenience store to the pre-existing non-conforming use of the gasoline service station without the expansion of the building footprint will have no significant adverse impact upon the neighboring property owners, and the Board further finds that this relief can be granted without causing substantial detriment to the public good and without causing substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, be it hereby resolved by the Board that it adopts the aforesaid finding of fact, and based on testimony and relief requested by the Applicant for the construction of the convenience store, renovation of the building and continuance of the existing gasoline station and automobile service station with a convenience store will not have a detrimental effect on the zone plan or Master Plan of the Borough of West Long Branch nor will it have any detrimental effect on adjacent properties or the area in which it is located.

BE IT FURTHER RESOLVED by the Board that the use variance to permit the non-permitted mix of uses consisting of the existing gasoline station and automobile service station with a convenience store, as per the plans introduced and accepted into evidence, be and the same is hereby granted.

BE IT FURTHER RESOLVED that a variance is also granted to permit more than one principal structure or use on a single lot.

BE IT FURTHER RESOLVED by the Board that any relief granted by the Board herein is subject to Site Plan approval.

**ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:**

General Conditions

1. Subject to the development here at issue being undertaken in accordance with the testimony presented to the Board and the plans submitted to/approved by the Board.
2. Subject to the testimony of all witnesses called on behalf of the Applicant being true and accurate.
3. subject to the Application, all attachments thereto, and all exhibits offered by the Applicant being accurate depictions of that which they purport to represent.
4. The Applicant shall furnish proof that taxes have been paid through the current quarter and through the quarter in which he receives his initial construction permits.
5. Subject to the Applicant paying in full all application fees, review fees, engineering and consulting fees, and escrows.
6. Subject to the Applicant obtaining and complying with the approval of any other reviewing agency having jurisdiction over the Property and/or the Project, including but not limited to the Board of Health, the municipal Engineer, the municipal Fire Official, and any County, State or Federal agency; provided, however, that in the event that any other agency or authority shall require any changes in the plans herein approved, then any such changes must be submitted to this Board for review and approval. Further, if another governmental agency grants a waiver or variance of a regulation, which same affects this approval or any condition attached hereto, or otherwise requires any changes in the plans herein approved, then this matter shall be brought back before the Board for review of any such action, and the Board shall have the right to modify this approval and/or the conditions attached hereto as a result of any such action.
7. The action of the Board in approving this Application shall not relieve the Applicant from responsibility for any damage caused by the Project, nor does the Board of Adjustment or the Borough of West Long Branch accept any responsibility for the design or the installation of the Project.

ROLL CALL VOTE

THOSE IN FAVOR: ~~Mrs. Anfuso, Mrs. Blake,~~ Mr. Bostwick, Mr. Jelley, Mr. VanVelson, Mr. Venezia

THOSE OPPOSED: Mrs. Hughes

CERTIFICATION

I hereby certify that the fore going is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of West Long Branch at its meeting on April 26, 2012.

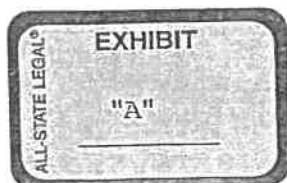
DATED: 5/23/13



ATTACHMENT A

An outline of Completeness Item Waivers not objectionable:

- A.1 18-13.15.d.11 - The location, type and size of all existing and proposed storm drainage facilities, all utilities, both above ground and below ground, including cross sections and profiles. *(No new drainage structures are proposed.)*
- A.2 18-13.16.b.8.a - The locations and dimensions of all easement for water, sewerage and utility lines. *(No changes are proposed.)*
- A.3 18-13.16.b.8.b - The locations type and size of all existing and proposed water and sanitary sewer facilities, with construction details and profiles, including fire hydrants and the size and location of all lines and manholes. *(No changes are proposed.)*
- A.4 18-13.16.b.8.e - The street cartway curb, right-of-way-of all roads to be publicly dedicated with construction details. *(No roads are proposed.)*
- A.5 18-13.16.b.8.f - The paved shoulder setback and cartway for non-dedicated roads to be used by the public. *(No road improvements are proposed.)*
- A.6 18-13.16.b.8.g - Profiles of all roads and streets. *(No road improvements are proposed.)*
- A.7 18-13.16.b.8.h - Cross-sections of roads by type showing construction details and curb or stabilized shoulder improvements. *(No road improvements are proposed.)*
- A.8 18-13.16.b.8.i - Clear sight dimensions at all intersections. *(No changes are proposed to the existing parking lot and access drives.)*
- A.9 18-13.16.b.8.j - Finished grades for all roads at minimum 2-foot intervals and low point and high points. *(No changes are proposed to the existing roads.)*
- A.10 18-13.16.b.8.l - Horizontal curves radii dimensions on all curves. Vertical curve radii dimensions. *(No changes are proposed to the existing roadway.)*
- A.11 18-13.16.b.8.m - The location and design of existing and proposed entrances and exits to public rights of way including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional pavement width or any other device necessary to accomplishes traffic safety. *(No roadway changes are proposed.)*
- A.12 18-13.16.b.11.c - Approval by the Borough Engineer of conformance with the Master Drainage Plan and all drainage and floodplain requirements. *(No changes are proposed to any drainage patterns.)*



APPLICANT: West LB Realty, Inc.  
APPLICANT'S ATTORNEY: Peter S. Falvo, Jr., Esq.  
APPLICATION NO.: ZB 2014 –  
BLOCK 67, LOT 32

**RESOLUTION OF THE  
ZONING BOARD OF ADJUSTMENT  
OF THE BOROUGH OF WEST LONG BRANCH**

**GRANTING USE VARIANCE, AMENDED FINAL SITE PLAN APPROVAL  
AND BULK VARIANCE RELIEF TO WEST LB REALTY, INC.**

WHEREAS, West LB Realty, Inc., hereinafter referred to as the "Applicant", filed an application with the Zoning Board of Adjustment of the Borough of West Long Branch (hereinafter referred to as the "Board") seeking the following:

Having previously obtained use variance relief for the conversion of a portion of the existing non-conforming automobile gasoline service and auto repair facility into a convenience mart and the continuation of the automobile gasoline service station and auto repair facility together with variance relief to permit more than one principle structure or use on a single lot and granting of design waivers on April 26, 2012 and Preliminary and Final Site Plan approval together with bulk variance relief on November 15, 2012, the applicant now seeks Amended Final Site Plan approval together with bulk variances to have the limitation on the hours of operation removed; to relocate the existing pylon sign to the northerly side of the property and make some additional changes as required by the Department of Transportation; and to permit the increase to the size of the convenience store from 1,928 square feet to 2,731 square feet, based on tenant need, by reducing the repair bay area. No enlargement of the existing building footprint is requested.

WHEREAS, the application pertains to the premises designated as Block 67, Lot 32 on the Tax Map of the Borough of West Long Branch, which premises are commonly known as 207 Monmouth Road, West Long Branch, New Jersey (hereinafter referred to as the "Premises");

WHEREAS, all notice requirements were satisfied by the Applicant, and the Board had jurisdiction to hear, consider and determine the application at issue;

WHEREAS, the Board held a public hearing with regard to the referenced application on September 25, 2014; and

WHEREAS, the Board, having given due consideration to the exhibits moved into evidence and the testimony presented at said hearing, does hereby make the following findings of fact:

1. The Premises are located in the OP (Office/Professional) zone; the applicant previously obtained use variance relief to permit the conversion of a portion of the existing non-conforming automobile gasoline service and auto repair facility into a convenience mart and the continuation of the automobile gasoline service station and auto repair facility together with variance relief to permit more than one principle structure or use on a single lot and design waivers.

2. The applicant also previously received Preliminary and Final Major Site plan approval subject to certain conditions.

3. The applicant submitted the following exhibits into evidence at the September 25, 2014 hearing for the Use Variance, Amended Final Site Plan and bulk variance application:

- A-1: Amended Preliminary and Final Site Plan prepared by Nelson Engineering Associates, dated 8/24/11 and revised through 3/10/14, consisting of 11 sheets;
- A-2: Architectural Plans prepared by Watt Architects, dated 8/19/11 and revised through 5/30/14, consisting of 6 sheets labeled A1.00, A 1.01, A 1.01a, A-1.02, A-1.03 (option A) and A1.04 (option B);
- A-3: Sign plans prepared by Mark-O-Lite Sign Co, undated , consisting of 2 sheets;
- A-4: Resolution of ZBA granting use variance dated April 26, 2012, signed by Chairman 5/21/13, consisting of 5 pages plus Ex. A;
- A-5: Resolution of the ZBA granting Preliminary and Final Site Plan approval and bulk variance relief to West L.B. Realty Inc. consisting of 7 sheets RE: Action taken on November 15, 202, signed by Board Chairman May 23, 2013.
- A-6: Letter from NJDOT dated September 3, 2014 consisting of 3 pages. Applicant will comply with letter;
- A-7: West Long Branch Fire Marshal's report of September 22, 2014, consisting of one page;
- A-8: West long Branch Police Department, Traffic Safety Bureau report dated July 17, 2014 consisting of one page;
- A-9: Sheet 4 of 11 of plans marked as A-1 in evidence – regarding changes required by the NJDOT;



A-10: Sheet 10 of 11 of plans marked as A-1 in Evidence –regarding turning movements.

4. David H. Boesch, LLA, of Nelson Engineering Associates, Inc., testified in support of the application. He provided testimony regarding the items the NJDOT required and testified that the Applicant is willing to comply with their requirements. NJDOT requires the relocation of the sign, construction of curbs, sidewalks, etc. but would not permit the emergency outlet from the detention basin to the storm water system on Monmouth Road (Route 71). He also reviewed all changes to the plan as a result of the increase in the convenience store size, increase in parking spaces, etc. Mr. Boesch outlined for the Board how the fuel trucks would access the underground tanks and how fuel would be delivered without interfering with the convenience store.

5. James Molinari , Architect, provided testimony regarding the building façade on the north and south sides of the structure and how it would change if the convenience store is enlarged. Finishes and signs would be the same, the front facade would remain the same. The wall between the repair facility and the convenience store would be a solid wall so that there was no direct connection between the two.

6. Sal Dellomo , testified as to the deliveries to the site as to number of times per week, hours of delivery and how long it takes to unload the delivery. The gasoline trucks would deliver in the manner testified to by Mr. Boesch between 3:00 and 5:00 A.M. , other deliveries would be in the off-peak hours. He also agreed with the Board that the site lighting would be reduced from 12:00 midnight to 5:30 A.M.

7. The Board Chairman opened the public hearing to the public. No objectors or interested parties appeared with regard to this matter.

8. The Board finds that the grant of the requested use variance, bulk variances and amended final site plan will have no significant adverse impact upon the neighboring property owners, and the Board further finds that this relief can be granted without causing substantial detriment to the public good and without causing substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, be it hereby resolved by the Board that the following use variance, bulk variance and amended final site plan relief be and is hereby granted:

1. Section 18-4.10.a - Use Variance to amend the non-permitted mix of uses previously approved, applicant seeks to increase the convenience store square footage and decrease the square footage of the repair bays;
2. Section 18-5.1 - For an increase of 0.04% lot coverage due to the 16 square feet created by the relocation of the sign; 76.5% was previously approved and 65% is the permitted maximum. The existing sign is located within the area of the DOT right-of-way and not on applicant's property. The relocated sign will be out of DOT right-of-way and on applicant's property, thus the de minimus increase in lot coverage;
3. Section 18-7.1.c.2 – For the relocated sign setback of 4 foot front yard and 8 foot side yard whereas 20 feet is required and 0 foot front yard setback was previously approved;
4. Section 18-6.4.c.6(b) - For ingress/egress driveway widths of 45 feet and 35 feet whereas a maximum of 30 feet is permitted and variances were previously granted for 78 feet and 60 feet. Said reduction is required by the DOT;
5. Section 18-7.4.a.8 – For 39 parking spaces where 39.09 parking spaces are required for the proposed mix of uses and a variance was previously granted for 32 parking spaces. The increased number of parking spaces would occur if the convenience store is expanded.
6. Increase the square footage of the convenience store from 1,928 square feet to 2,731 square feet based on tenant need.
7. The convenience store and gas dispensing portion of the site can operate on a 24 hour, 7 day a week schedule.

BE IT FURTHER RESOLVED by the Board that the use variance, bulk variances and amended final site plan application, as per the plans introduced and accepted into evidence, be and the same is hereby granted.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

Specific Conditions:

1. Perimeter site lighting to be dimmed between 12:00 midnight and 5:30 A.M. to 50% of full lighting level, excluding canopy lighting.
2. Landscaping in the island along Monmouth Road to be uniform evergreens that will not block the sight triangle or obstruct the view of oncoming traffic.
3. Relocate entrance door to convenience store further west; i.e. reverse window and entrance door at north side of building.
4. No goods on stands or sidewalk for sale.
5. Cars awaiting repair are to be parked in the parking spaces to the rear of the building.
6. No sale signs on convenience store windows unless professionally made.
7. No vehicles shall be stored on site, except for vehicles awaiting repairs which shall not be kept on site for longer than one week.

#### General Conditions

1. Subject to the development here at issue being undertaken in accordance with the testimony presented to the Board and the plans submitted to/approved by the Board.
2. Subject to the testimony of all witnesses called on behalf of the Applicant being true and accurate.
3. Subject to the Application, all attachments thereto, and all exhibits offered by the Applicant being accurate depictions of that which they purport to represent.
4. The Applicant shall furnish proof that taxes have been paid through the current quarter and through the quarter in which he receives his initial construction permits.
5. Subject to the Applicant paying in full all application fees, review fees, engineering and consulting fees, and escrows.
6. Subject to the Applicant obtaining and complying with the approval of any other reviewing agency having jurisdiction over the Property and/or the Project, including but not limited to the Board of Health, the municipal Engineer, the municipal Fire Official, and any County, State or Federal agency; provided, however, that in the event that any other agency or authority shall require any changes in the plans herein approved, then any such changes must be submitted to this Board for review and approval. Further, if another governmental agency grants a waiver or variance of a regulation, which same affects this approval or any condition attached hereto, or otherwise requires any changes in the plans herein approved, then this matter shall be brought back before the Board for review of any such action, and the Board shall have the right to modify this approval and/or the conditions attached hereto as a result of any such action.

7. The action of the Board in approving this Application shall not relieve the Applicant from responsibility for any damage caused by the Project, nor does the Board of Adjustment or the Borough of West Long Branch accept any responsibility for the design or the installation of the Project.

ROLL CALL VOTE

THOSE IN FAVOR: *Murphy, LaMarea, Venezia, Hughes, Schultz  
and Habeck*

THOSE OPPOSED: *None*

CERTIFICATION

I hereby certify that the fore going is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of West Long Branch at its meeting on October 23rd, 2014.

DATED: *11/26/14*

  
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Anna Wainright , Secretary

17 MONMOUTH STREET, P.O. BOX 8847  
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PRINCIPALS OF FIRM ARE MEMBERS OF :  
SOCIETY OF PROFESSIONAL ENGINEERS  
SOCIETY OF MUNICIPAL ENGINEERS  
PROFESSIONAL WOMEN NETWORK

**E. M. WATERBURY & ASSOCIATES, P.A.**  
ENGINEERING • PLANNING • LAND USE & DEVELOPMENT

July 23, 2020

West Long Branch Zoning Board of Adjustment  
c/o Ms. Chris Ann DeGenaro, Zoning Board Secretary  
West Long Branch Zoning Board of Adjustment  
965 Broadway, West Long Branch, N.J. 07764

File No. WLBZB 2019-03

Re: Completeness and Engineering Review No. 2  
West Long Branch Realty, Inc. (ZB 2019-03)  
Use Variance Application  
207 Monmouth Road (State Route 71)  
Block: 67, Lot: 32; Zone: OP

Dear Board Members:

As requested, I have received and reviewed the following as it relates to the referenced application:

- Survey prepared by Robert H. Morris, P.L.S. of Nelson Engineering Associates, Inc., dated April 20, 2011, last revised November 30, 2018, consisting of one (1) sheet;
- Floor Plan prepared by James Watt, A.I.A. of Watt Architects, dated November 12, 2018, last revised December 3, 2018, consisting of one (1) sheet;
- “Narrative Justification for Waiver of the Requirements for a Submission of a Site Plan...”, consisting of one (1) sheet;
- Variance Application dated December 17, 2018 with attached Checklist, Zoning Officer Review Form, change of use;
- Letter from Peter S. Falvo, Jr., Ansell, Grimm and Aaron, dated November 20, 2019;
- Letter from Peter S. Falvo, Jr., Ansell, Grimm and Aaron, dated July 1, 2020;
- Resolution of Zoning Board of Adjustment memorialized April 26, 2012;
- Resolution of Zoning Board of Adjustment memorialized November 15, 2012;
- Resolution of Zoning Board of Adjustment memorialized October 24, 2014.

The subject application is requesting approval to use a portion of the existing one (1) story commercial masonry building as storage for a hardwood floor contractor and the remainder of the building as the existing gas station office, existing auto repair facility and existing storage of vehicles. It is my understanding that no changes are proposed to the exterior of the building or to the existing site. The applicant must clarify if any additional signage or site improvements are proposed. The site is a 39,000 square foot property known as Block 67, Lot 32 that is located on the east side of Monmouth Road (State Highway 71) and is located within the OP Zone. The applicant is requesting a use variance and has requested to bifurcate the application.

**Summary**

The property has received approval in 2012 to convert a portion of an existing non-conforming gasoline and repair station to a convenience mart to allow the three to operate together on the site. The associated Preliminary and Final Site Plan and associated Bulk Variances were approved by resolution of the Zoning Board on November 15, 2012. An amendment to that approval was granted



Le: West Long Branch Zoning Board of Adjustment  
c/o Ms. Chris Ann DeGenaro, Zoning Board Secretary

Re: Completeness and Engineering Review No. 2  
West Long Branch Realty, Inc. (ZB 2019-03)  
Use Variance Application  
207 Monmouth Road (State Route 71);  
Block: 67, Lot: 32; Zone: OP

July 23, 2020  
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by the Zoning Board by resolution memorialized on October 23, 2014. This amendment allowed an increase the size of the convenience mart within the existing structure. The existing structure was not enlarged with this amended approval. The applicant proposes to have existing gasoline and repair facility remain on the property and have the third use change to a storage area for hard wood flooring material for a separate business. The convenience mart appears to be abandoned from the site with this application.

I offer the following comments for Board consideration:

- 1.0 Completeness Review-** The application can be scheduled for a Completeness Waiver hearing. If the waivers noted below are approved the applicant can proceed with a public hearing. Please note, the application will remain **incomplete** until they obtain Board approval of completeness waivers or any required information outlined in that hearing is provided.
- 1.1 The following are checklist items that I have no objection to the Board granting completeness waivers. Prior to the start of the public hearing, the Board must grant a waiver for each item listed in order for the application to be deemed complete. Please note, granting of the waiver for submission purposes does not preclude the Board from requesting the information during the hearing.
- a. **Item No. B5 – Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, zone districts, etc. within 500 feet of property-** I have no objection to the Board granting a completeness waiver for this item. Following please find two images taken from Monmouth County Property Viewer; one indicating the site location and the second depicting an aerial view of the site.
  - b. **Item No. B24 – Location of streams, floodplains, wetlands or other environmentally sensitive areas on the project site-** I have no objection to the Board granting a completeness waiver for this item. Testimony should be provided by the applicant confirming none exist in the area or on site.
  - c. **Item No. B22 – Any existing or proposed easements or lands reserved for use and dedication to public use-** The applicant’s attorney has indicated in their July response that no easements exist or are proposed on the site. This should be confirmed through testimony by the applicant.
  - d. **Item No. D12 – Application for Environmental Commission Site Plan Review-** The applicant requests a waiver of this Item. I have no objection to the submission waiver being granted.
  - e. **Item No. B28 and D13 – Building Elevation and floor plans of any proposed structure(s)-** The applicant has provided a proposed floor plan; however, elevation views have not been provided. The applicant requests a waiver of this item. The applicant shall confirm if any exterior façade improvements are proposed. I have no objection to a waiver being granted. However, I recommend



Le: West Long Branch Zoning Board of Adjustment  
c/o Ms. Chris Ann DeGenaro, Zoning Board Secretary  
Re: Completeness and Engineering Review No. 2  
West Long Branch Realty, Inc. (ZB 2019-03)  
Use Variance Application  
207 Monmouth Road (State Route 71);  
Block: 67, Lot: 32; Zone: OP

July 23, 2020  
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f. the applicant provide photo evidence of the four sides of the existing building during the hearing. I note the response indicated that elevations have been provided in the past as part of other applications. I note that each application stands on its own.

1.2 I recommend the following checklist items be provided or confirmed prior to the public hearing:

a. **Item No B9 – Proof that taxes are current-** To be confirmed by the Borough prior to the hearing.

## 2.0 **Engineering Review**

2.1 T&M Associates (see Attachment A) issued an engineering review as part of the completeness application dated December 11, 2019. I have reviewed their comments and offer the following additional comments. The Engineering Review lists the variances associated with the request and the existing property. This report also provides comments intended to define how the proposed use would operate on the site and interact with the existing uses to remain. The applicant's attorney requested in his correspondence dated November 20, 2019 to bifurcate the application to handle the use variance at this time and, if granted, they will request a waiver of site plan. Although some items may appear to be site plan oriented, I recommend that the items noted in T&M Associates letter and to follow be provided by the applicant to assist the Board with their consideration of the use to understand how the application will operate on the site and coexist with the existing facilities to remain.

2.2 The applicant has provided copies of prior resolutions granted by the Zoning Board for the site. The site contained a pre-existing nonconforming use of a gasoline station and an auto repair shop. In 2012 the applicant received a D1 variance approval to add a convenience mart to the two existing uses on the site. The convenience mart was permitted in the zone, however, the three uses were not permitted to exist together on the site. I offer the following:

a. The applicant should clarify if the hardwood storage would occupy the full area prior used for the convenience store and address the impact to the site due to the change of use to the storage use when compared to the approved prior convenience mart use.

b. The areas to be utilized by the proposed use should be delineated on the plan. Such items could be the location of the use within the building, loading area, parking for employees, hours of operation, refuse requirements, and location of any trucks to be stored on site.

c. The applicant should also address if the material proposed to be stored is for a business located elsewhere and/or if business operations will be conducted at this site for the hardwood floor company.

d. The applicant should clarify that they are proposing to abandon the prior approved combined use of a convenience mart with the gasoline and auto repair. In addition, the applicant should address the



Le: West Long Branch Zoning Board of Adjustment  
c/o Ms. Chris Ann DeGenaro, Zoning Board Secretary  
Re: Completeness and Engineering Review No. 2  
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Use Variance Application  
207 Monmouth Road (State Route 71);  
Block: 67, Lot: 32; Zone: OP

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status of all conditions of the prior resolutions and identify any conditions on the site that differ from the Preliminary and Final Site Plan that was approved in 2012. Item 1.14 of the T&M Associates December 2019 report indicates it appears buffer plantings may have been removed.

2.3 Aerial photography (attached) indicates numerous cars located on the site. The applicant should address if the storage of vehicles on site is strictly for cars in the process of repair in support of the auto repair use or for other purposes or users and if the parking shown on the aerial is consistent with the prior approved locations.

I reserve the right to make additional comments once the requested information is provided. If you have any questions or require additional information, kindly advise.

Very Truly Yours

---

Elizabeth M. Waterbury, P.E., P.P., C.M.E.  
West Long Branch Zoning Board Engineer

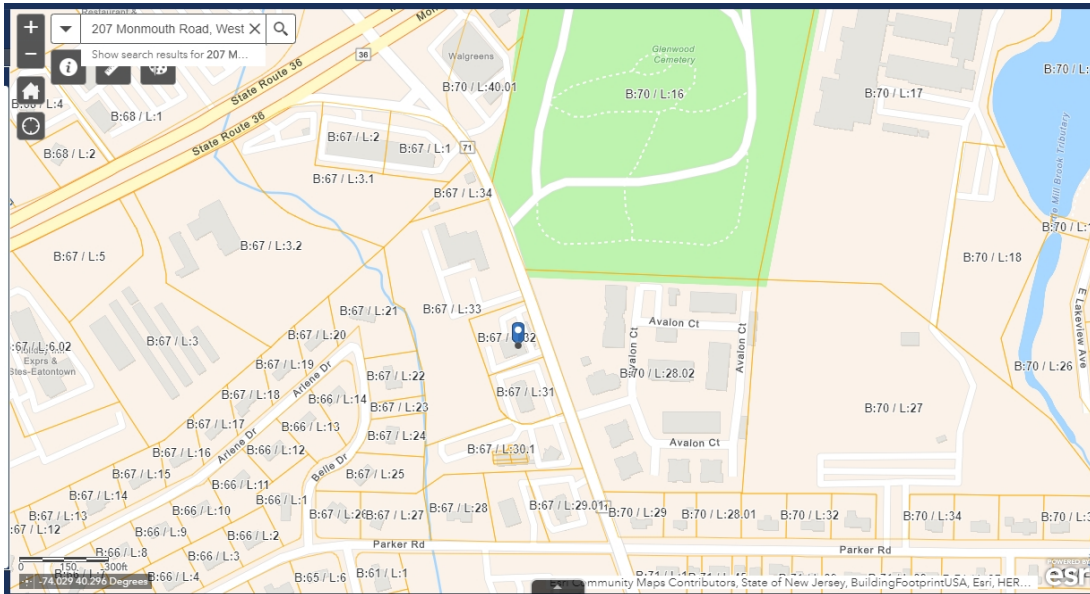
cc: Stephanie Dollinger, Borough Administrator  
Lori Cole, Borough Clerk  
Michael A. Irene, Zoning Board Attorney  
James Miller, Zoning Officer  
Peter S. Falvo, Jr., Esq





Le: West Long Branch Zoning Board of Adjustment  
c/o Ms. Chris Ann DeGenaro, Zoning Board Secretary  
Re: Completeness and Engineering Review No. 2  
West Long Branch Realty, Inc. (ZB 2019-03)  
Use Variance Application  
207 Monmouth Road (State Route 71)  
Block: 67, Lot: 32; Zone: OP

July 23, 2020  
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Site location from Monmouth County Property Viewer



Aerial View of site from Monmouth County Property Viewer



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*Appendix A*  
**West Long Branch Realty, Inc. (ZB 2019-03)**  
**Use Variance Application**  
**207 Monmouth Road (State Route 71)**  
**Block: 67, Lot: 32; Zone: OP**  
**T&M Associates Engineer Report dated December 11, 2019**

The following are the Engineering comments found in the report prepared by T&M Associates dated December 11, 2019 to be addressed by the applicant.

**1.0 Planning and Zoning**

1.1. The following is a tabulation of the zoning requirements as it relates to the current proposal and the prior plan:

<u>Description</u>	<u>Required</u>	<u>Provided</u>
Minimum Lot Area	10 Acres	<b>0.90 Acres</b> <b>39,000 SF**</b>
Minimum Lot Width	500 ft.	<b>200 ft.**</b>
Front Setback	100 ft.	<b>40 ft.**</b>
Side Setback	75 ft. one side	<b>35.3 ft. (South)**</b> +87.5 ft. (North)
	150 ft. both sides	<b>+120 ft.**</b>
Rear Setback	70 ft.	77 ft.
Maximum Building Coverage	30%	+13.6%
Maximum Impervious Coverage	55%	<b>+70/1%**</b>
Maximum Building Height	1 stories/40 ft.	1 story/ must be confirmed

**\*Variance required**

**\*\*Preexisting nonconformity**

1.2 The applicant is proposing a mix of uses including the existing gas station, existing auto repair facility, existing storage of vehicles, and proposed hardwood floor contractor. Since the mix of the use of a gas station, auto repair facility, storage of vehicles, and hardwood floor contractor is not specifically permitted in the OP Office Professional Zone, a d(1) use variance will be required. In addition, the individual uses are not specifically permitted. The additional use of the existing building is an expansion of a non-conforming use, a d(2) variance.

1.3 Section 18-5.1 of the Ordinance requires a minimum lot area of 10 acres; whereas the site has preexisting non-conforming lot area of 0.90 acres (39,000 square feet). Therefore, a variance is technically required for



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- 1.4 the pre-existing nonconformity.
- 1.5 Section 18-5.1 of the Ordinance requires a minimum lot width of 500 feet; whereas the site has pre-existing non-conforming lot width of 200 feet. Therefore, a variance is technically required for the pre-existing nonconformity.
- 1.6 Section 18-5.1 of the Ordinance requires a minimum front yard setback of 100 feet; whereas the site has pre-existing non-conforming front yard setback of 40 feet. Therefore, a variance is technically required for the pre-existing nonconformity.
- 1.7 Section 18-5.1 of the Ordinance requires a minimum side yard setback of 75 feet; whereas the site has pre-existing non-conforming south side yard setback of 35.3 feet. Therefore, a variance is technically required for the pre-existing nonconformity.
- 1.8 Section 18-5.1 of the Ordinance requires a minimum combined side yard setback of 150 feet; whereas the site has pre-existing non-conforming combined side yard setback of approximately 120 feet. Therefore, a variance is technically required for the pre-existing nonconformity.
- 1.9 Section 18-5.1 of the Ordinance permits as maximum impervious coverage of 55%; whereas the site has pre-existing non-conforming impervious coverage of approximately 70.1%. Therefore, a variance is technically required for the pre-existing nonconformity.
- 1.10 The applicant should confirm the height of the building and the shed to determine if additional variance relief is required. Section 18-5.1 requires a principal structure to not exceed 40 feet in height and an accessory structure to not exceed 15 feet in height.
- 1.11 Section 18-7.1.b of the Ordinance permits one (1) freestanding sign and requires the sign be set back 20 feet from the property line; the site has a pre-existing non-conforming sign number and setback. Two (2) signs exist on site, the base of the existing sign with gas station prices at the middle is 1.3 feet into the right-of-way and the sign at the southern portion of the site straddles the property line. Therefore, variances are required. The survey must be revised to include the entire limit of the sign.
- 1.12 The applicant should clarify what, if any, additional signs are proposed as part of this application and details of any proposed signs (drawn to scale) should be provided for review prior to the public hearing to determine if any variance relief is required for the proposed signs.
- 1.13 The applicant should confirm the height and sign area of the existing freestanding signs, to confirm if any additional variance relief is required for the existing signs. The applicant should also confirm that no changes are proposed to the existing onsite signs.



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- 1.14 A variance is required for the pre-existing non-conforming buffer widths between 0 and 8 feet; whereas a minimum 25 feet wide buffer zone is required (Ordinance Section 18-6.5.d.). (The survey should be revised to eliminate the trees and bushes shown at the rear of the site since they were removed, based on a site inspection.)
- 1.15 Section 18-7.3 of the Ordinance requires all uses to be contained within a fence, wall, or visual screen consisting of evergreen trees and shrubs so as to provide a solid and compact wall of landscaped material not less than 6 feet in height within 10 feet of the property line. Since no screening is proposed a variance is required.
- 1.16 Section 18-7.4.a.1 of the Ordinance requires all parking area and driveways to be paved and clearly marked for car spaces. Unless the parking area and plans are revised to clearly delineate these areas, a variance is required. Please note, any proposed parking spaces should be striped, 9-feet by 18-feet. Additionally, based on a site inspection the pavement and gravel area extend to the rear lot line. The survey and site plans must be revised accordingly.
- 1.17 The plans must be revised to include a parking schedule which demonstrates the required parking and proposed parking and compliance with the Ordinance. Section 18-7.4.8(i) of the Ordinance states one (1) off street parking space per two hundred (200) square feet of motor vehicle services use is required and one (1) off street parking space per five thousand (5,000) square feet of warehousing use is required. The applicant is proposing approximately 3,514 square feet of motor vehicle services and 1,523 square feet of warehousing; therefore, the applicant must provide a plan that shows the required eighteen (18) spaces for the motor vehicle services and one (1) space for the hardwood contactor storage for a total of nineteen (19) off street parking spaces; otherwise, a variance is required. Currently, based on the survey, the applicant only indicates four (4) parking spaces on site.

## **2.0 Traffic Circulation and Layout**

- 2.1 Route 71 is under New Jersey Department of Transportation jurisdiction; therefore, I defer to NJDOT with respect to any improvements on Route 71. Copies of all applications to NJDOT should be provided for my review and file.
- 2.2 The applicant should provide testimony on the proposed operations, including hours of operation, anticipated number of clients, number of employees in each shift, total number of employees and number of vehicles parked on-site.
- 2.3 The applicant shall provide testimony regarding loading requirements for the site including types of vehicles, delivery time and frequency. In addition, the applicant shall confirm that the site has adequate circulation for all vehicles requiring access.



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- 2.4 The applicant should provide testimony regarding the existing and proposed trip generation and the existing and proposed parking demand associated with the change in use to the hardwood floor contractor.
- 2.5 The applicant shall provide the required sight lines at the driveway exits.
- 2.6 Section 18-7.4.a.9(a) requires one (1) ADA parking stall. No ADA parking stalls exist on site and none are proposed. Therefore, variance relief would be required; however, it is my recommendation that the applicant provides the required ADA space.
- 2.7 A plan must be provided which includes stop signs and details for the exit drives.
- 2.8 I recommend the applicant be required to replace any existing curb, and/or pavement which is in poor condition, prior to the issuance of a Certificate of Occupancy.

### **3.0 Grading and Drainage**

- 3.1 The applicant should clarify if any grading, drainage or utilities are proposed as part of this application. If so, a plan must be provided with the proposed changes.

### **4.0 Landscaping and Lighting**

- 4.1 The applicant should clarify if any landscaping or lighting is proposed as part of this application and, if so, the plan should be revised to reflect same.

### **5.0 General**

- 5.1 If a waiver of a site plan is not approved by the Board, the applicant shall include the following on any future site plan submissions.
- a. Unless waived, the site plan must be signed and sealed by an architect, professional engineer or professional planner, as applicable.
  - b. The plan must include a written and graphic scale and a north arrow. Please note site plans shall be drawn at a scale of not less than 1 inch = 50 feet nor more than 1 inch = 10 feet. Building plans shall be drawn at a scale of not less than 1/8 inch = 1 foot.
  - b. A title block must be included on the plans that denotes the type of application, tax map sheet, county, name of municipality, block and lot, and street location.
  - d. The plans must be revised to include the name, title, address, and telephone number of the applicant,



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the owner, and the person preparing the plan, maps, and accompanying data.

- e. The plans must include a signature block for the signatures of the Chairman, Secretary, and the Board Engineer.
  - f. The plans must show the setback dimensions of all existing and proposed structures and the minimum required front, side and rear setback lines for the zone.
  - g. The plans should show the properties within 200 feet, as well as the names of the property owners within 200 feet. The plans must also include a key map, as well as the location, names and widths of all existing and proposed streets abutting the premises.
- 5.2 The applicant should clarify its proposal for trash and recycling. Since a trash enclosure is not provided, a design waiver would be required per Section 18-13.16.b.11.b.
- 5.3 Copies of an updated survey of this site must be provided, which depict the existing conditions, including but not limited to the free-standing signs, not just the foundation, extension of the gravel at the rear of the site and the removal of the landscaping.
- 5.4 The following shall be addressed as a condition of any approval:
- a. The plan shall be revised to include a zoning schedule.
  - b. The plan shall be revised to include a list of required/requested design waivers and variances.
  - c. The plan shall be revised to include the required building setback lines.
  - d. A list of all federal, state, regional and/or municipal approvals or permits required must be submitted.
- 5.5 The applicant should clarify if the property is subject to any existing or proposed easement or land reserved for or dedicated to public use deed restriction or covenants. Copies of same should be provided or a statement that none exist.
- 5.6 The applicant must obtain approval or exemption from any and all governmental or quasi-governmental entities having jurisdiction over the project, including but not limited to, Board of Health, Fire Marshall, Monmouth County Planning Board, NJDOT and Traffic Safety Officer. Copies of all permits must be submitted.
- 5.7 If any further site improvements are required, as a condition of approval, the applicant must post performance and maintenance guarantees and inspection fees, as necessary.
- 5.8 The applicant must obtain all necessary municipal building permits.

**APPLICANT: West LB Realty, Inc.**  
**APPLICANT'S ATTORNEY: Peter S. Falvo, Jr., Esq.**  
**APPLICATION NO.: ZB 2011 – 13**  
**BLOCK 67, LOT 32**

**RESOLUTION OF THE  
ZONING BOARD OF ADJUSTMENT  
OF THE BOROUGH OF WEST LONG BRANCH**

**GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL  
AND BULK VARIANCE RELIEF TO WEST LB REALTY, INC.**

**WHEREAS, West LB Realty, Inc., hereinafter referred to as the "Applicant", filed an application with the Zoning Board of Adjustment of the Borough of West Long Branch (hereinafter referred to as the "Board") seeking the following:**

**Having previously obtained use variance relief for the conversion of a portion of the existing non-conforming automobile gasoline service and auto repair facility into a convenience mart and the continuation of the automobile gasoline service station and auto repair facility together with variance relief to permit more than one principal structure or use on a single lot and granting of design waivers on April 26, 2012, the applicant now seeks bulk variance relief and Preliminary and Final Site Plan approval.**

**WHEREAS, the application pertains to the premises designated as Block 67, Lot 32 on the Tax Map of the Borough of West Long Branch, which premises are commonly known as 207 Monmouth Road, West Long Branch, New Jersey (hereinafter referred to as the "Premises");**

**WHEREAS, all notice requirements were satisfied by the Applicant, and the Board had jurisdiction to hear, consider and determine the application at issue;**

**WHEREAS, the Board held a public hearing with regard to the referenced application on November 15, 2012; and**

**WHEREAS, the Board, having given due consideration to the exhibits moved into evidence and the testimony presented at said hearing, does hereby make the following findings of fact:**

- 1. The Premises are located in the OP (Office/Professional) zone; the applicant previously obtained use variance relief to permit the conversion of a portion of the existing non-conforming automobile gasoline service and auto repair facility into a convenience mart and the continuation of the automobile gasoline service station and auto repair facility together with variance relief to permit more than one principal structure or use on a single lot together with design waivers at a meeting of the Board on April 26, 2012.**
- 2. The applicant previously submitted the following exhibits into evidence at the April 26, 2012 use variance hearing:**

- A-1: Preliminary and Final Site Plan prepared by Nelson Engineering Associates, dated 8/24/11 and revised through 3/29/12, consisting of 9 sheets;**
- A-2: Architectural Plans prepared by Watt Architects, dated 8/19/11 consisting of 4 sheets;**
- 3: Sign photo exhibit prepared by Mark-O-Lite Sign Co, dated 4/13/11, consisting of 2 sheets;**
- A-4: Aerial photo exhibit of the location and the surrounding uses;**
- A-5: Large photographic survey depicting the existing conditions of the property;**
- A-6: An enlargement of sheet 4 of exhibit A-1 depicting the landscaping plan;**
- A-7: Photo Board with colored rendering and 3-D study model;**
- A-8: Additional Architectural drawings;**
- A-9: Traffic Impact Study prepared by McDonough Rea Associates, dated 4/4/12;**
- A-10: Traffic Safety Officer's review letter of 4/26/12.**

- 3. The following additional exhibits were submitted into evidence at the November 15, 2012 site plan hearing:**

- A-11: Preliminary and Final Site Plan prepared by Nelson Engineering Associates, dated 8/24/11 and revised through 10/1/12, consisting of 10 sheets;**
- A-12: Colorized version of Site Plan sheet #4;**
- A-13 Materials board;**
- A-14 Photo Board depicting the existing site;**
- A-15 Color rendering of proposed building, elevations and signage.**



4. **David H. Boesch, LLA, of Nelson Engineering Associates, Inc., testified in support of the application. He provided testimony including but not limited to not providing sidewalks; the height of the lighting fixtures; the installation of a recharge basin for drainage; existing and proposed signage; details of the propane filling station; proposed traffic flow; proposed loading area; striping; and proposed operating hours; landscaping, etc., based upon A-11 and A-12 in evidence.**
5. **John Rea, P.E., a principal with McDonough Rea Associates, Inc., addressed concerns of the Board Members regarding the proposed loading zone and plan for deliveries; signage regarding deliveries and traffic flow; curb cuts; and a request for NJDOT approval of sidewalks across the front of the site for pedestrian traffic.**
6. **James Watt, AIA, provided testimony regarding the proposed signage and placement of mechanical equipment. A-13, A-14 and A-15 were introduced into evidence and the signage colors were discussed by the Board as well as materials and colors to be used on the building.**
7. **Justin Auciello, PP, of Cofone Consulting Group, testified as to the variances cited in the Board Engineer's review letter; the positive criteria for granting the variances, including that the project will advance the overall welfare of the community and, most importantly, improve the aesthetics of the site. He testified that there was a lack of negative impact as a result of the uses and improvements proposed and no detriment to the public good would occur. He further indicated that he would be working with the NJDOT regarding the issue of sidewalks. He clarified the concerns of the Board in regard to impervious coverage and acreage requirements specified in the Zoning Ordinance.**
8. **The Board Chairman opened the public hearing to the public. No objectors or interested parties appeared with regard to this matter.**

9. The Board finds that the grant of the requested bulk variances and preliminary and final site plan will have no significant adverse impact upon the neighboring property owners and uses surrounding the property and use in question, and the Board further finds that this relief can be granted without causing any substantial detriment to the public good and without causing substantial impairment of the intent and purpose of the zone plan and zoning ordinance.
10. The Zoning Board would like sidewalks across the front of the property and the southerly curb opening to be reduced in size.

NOW, THEREFORE, be it hereby resolved by the Board that the following bulk variance relief be and is hereby granted:

1. Section 18.5-1- Existing lot area of .90 acres whereas 10 acres is required.
2. Section 18.5-1 - Existing lot width of 200 feet whereas 500 feet is required.
3. Section 18.5.1 - Existing front setback of 41.8 feet to the building and 5.8 feet to the existing canopy whereas 100 feet is required.
4. Section 18.5-1 – Existing side yard setback of 37.3 feet on one side/ 124.2 feet combined side yard whereas 75 feet is required on one side/ combined side yard setback of 150 feet.
5. Section 18.5-1- Increasing the existing 71.1% impervious coverage to 76.5% whereas 65% is permitted.
6. Section 18-6.5.d - For lack of required 25 foot wide buffer along the side and rear property lines.
7. Section 18-7.3 – For proposed landscaping along portions of the perimeter of the site not meeting the required 10' minimum. Landscaping has been increased to ten feet with the exception of the northerly property line where it is requested that the Board accept the existing hedgerow and shrubs to meet the Ordinance requirements.
8. Section 18-7.4.a.6 – For existing driveway widths of 78 feet and 60 feet whereas a maximum of 30 feet is permitted.
9. Section 18-7.4.a.8 – If required, for providing 32 parking spaces where 38 are required. An additional eight vehicle spaces are provided adjacent to the fueling pumps, which would provide a conforming total of 40 spaces.
10. Section 18-7.1.c 1 – For three signs on the east (front) facade as follows: "Emporium" 18 square feet ; "Deli Express" – 22.5 square feet; " Auto Service" – 22.5 square feet, whereas one sign is permitted not exceeding 15% of the facade area. The total of the three signs proposed is 4.63% of the facade area. Additionally two signs are proposed on the northerly facade of the building as follows: "Deli Express" – 22.5 square feet and "Auto Service" – 22.5 square feet, whereas 1 sign not exceeding 15% of the facade area is permitted. The total of the two signs is 3.3% of the facade area.
11. Section 18-7.1.c. 2 – For the proposed expansion of the existing 67 square foot freestanding sign to 96 square feet on each side, whereas the aggregate area of the signs two sides shall not exceed 50 square feet. Existing sign which is proposed to be

enlarged has a 0 foot setback from a public street or parking area whereas 20 feet is required.

12. Any and all other variances or waivers not specifically granted but included on the site plan introduced into evidence as A-11.

BE IT FURTHER RESOLVED by the Board that preliminary and final site plan approval, as per the plans introduced and accepted into evidence, be and the same is hereby granted.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

Specific Conditions:

1. Hours of operation are limited to 6:00 A.M. To 11 P.M. daily and extended to 6:00 A.M. to 1:00 A.M. from Memorial Day to Labor Day for the entire site.

2. Subject to DOT approval. The Board acknowledges that as of their approval, and based on Applicant's traffic engineer's testimony, no DOT approval is required other than to discharge water into the State storm water system.

However, if the Board insists on sidewalks and the reducing in the size of the south curb cut, then a full DOT application will be required as the proposed changes/improvements are and will be in the DOT right-of-way. Since these improvements are within the DOT right-of-way, the DOT may require changes to the site plan, the nature and scope of which may cause the approved project to be abandoned.

Applicant and the Board agree that the plan will be revised to reflect the Board's condition. Applicant will apply for an informal/conceptual meeting with the DOT at which the Borough Engineer shall be present and depending on the desire of the DOT to request a full application or their refusal to allow the desired changes without a full DOT application to approve, or their indication they want greater changes to the plan, Applicant may apply to the Board for a removal of this condition regarding sidewalks and reducing the size of the south curb cut.

3. Resurfacing & striping of the entire site.

4. An 8' X 60' loading zone to be marked out in the rear for repair deliveries and an 18' X 74' loading zone in the front of the northeast corner of the building for fuel and convenience store deliveries.

5. Landscaping around freestanding sign.

6. Submission of an operation manual for the recharge basin.

7. Subject to compliance with the comments in the T & M letter of November 7, 2012.

8. Subject to posting of performance bonds.

9. Subject to approval of a Developer's Agreement, unless waived by the Board Attorney.

General Conditions

1. Subject to the development here at issue being undertaken in accordance with the testimony presented to the Board and the plans submitted to and approved by the Board.

2. Subject to the testimony of all witnesses called on behalf of the Applicant being true and accurate.

3. Subject to the Application, all attachments thereto, and all exhibits offered by the Applicant being accurate depictions of that which they purport to represent.

4. The Applicant shall furnish proof that taxes have been paid through the current quarter and through the quarter in which he receives his initial construction permits.

5. Subject to the Applicant paying in full all application fees, review fees, engineering and consulting fees, and escrows.

6. Subject to the Applicant obtaining and complying with the approval of any other reviewing agency having jurisdiction over the Property and/or the Project, including but not limited to the Board of Health, the municipal Engineer, the municipal Fire Official, and any County, State or Federal agency; provided, however, that in the event that any other agency or authority shall require any changes in the plans herein approved, then any such changes must be submitted to this Board for review and approval. Further, if another governmental agency grants a waiver or variance of a regulation, which same affects this approval or any condition attached hereto, or otherwise requires any changes in the plans herein approved, then this matter shall be brought back before the Board for review of any such action, and the Board shall have the right to modify this approval and/or the conditions attached hereto as a result of any such action.

7. The action of the Board in approving this Application shall not relieve the Applicant from responsibility for any damage caused by the Project, nor does the Board of Adjustment or the Borough of West Long Branch accept any responsibility for the design or the installation of the Project.

ROLL CALL VOTE

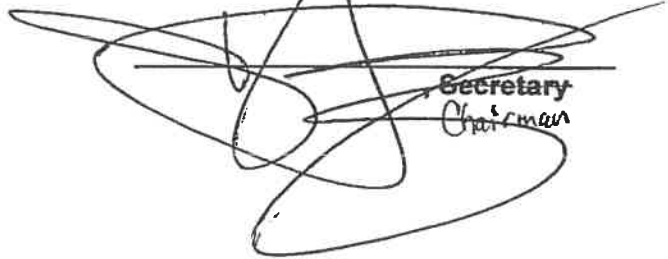
THOSE IN FAVOR: ~~Mrs. Anuso, Mrs. Blake, Mr. Bostwick, Mrs. Hughes, Mr. Venezia~~

THOSE OPPOSED: None

**CERTIFICATION**

I hereby certify that the fore going is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the Borough of West Long Branch at its meeting on November 15, 2012.

DATED: 5/23/13



Secretary  
Chairman